United Nations E/C.19/2013/9

Economic and Social Council

Distr.: General
12 February 2013

Original: English

Permanent Forum on Indigenous Issues
Twelfth session
New York, 20-31 May 2013
Item 7 of the provisional agenda*
Human rights

Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples

Note by the Secretariat

Pursuant to a decision of the Permanent Forum on Indigenous Issues at its tenth session (see E/2011/43, para. 113), Eva Biaudet, Megan Davis, Helen Kaljuläte and Valmaine Toki, members of the Permanent Forum, undertook a study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples. The study is hereby transmitted to the Forum at its twelfth session in response to that decision.

* E/C.19/2013/1.

13-23059 (E) 270213

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Study on the extent of violence against indigenous women and girls in terms of article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples[1]

I. Introduction

1. Despite international declarations and conventions on violence against women and the vast literature analysing the phenomenon as well as recommendations for countering such violence in general, there is far less material published about violence against indigenous women and girls specifically and the ways in which indigenous women explain and understand violence. Given this lacuna, the present study pays particular attention to article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples focusing on the rights and special needs of indigenous women and girls. The Declaration calls upon States to take measures, in conjunction with indigenous peoples, to ensure that indigenous women and girls enjoy the full protection and guarantees against all forms of violence and discrimination. Adopting the framework of the *Handbook for Legislation on Violence against Women*, the study reiterates that call and takes into consideration the recommendations of the international expert group meeting on the pandemic. The recommendations are set out in the report of the expert group submitted to the Permanent Forum on Indigenous Issues at its eleventh session (E/C.19/2012/6). It describes the extent and nature of violence against indigenous women and girls across the world and concludes by emphasizing the importance of States working with indigenous peoples to adopt measures to eliminate all forms of violence against indigenous women and girls.

2. According to article 1 of the Declaration on the Elimination of Violence against Women (General Assembly resolution 48/104), the term "violence against women" refers to "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". In its General Recommendation No. 19, the Committee on the Elimination of Discrimination against Women states that such violence "is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men".

3. Many States have put in place legal, regulatory and institutional frameworks to combat violence against women, and have worked to improve coordination between different stakeholders. Best practice guidelines have been identified by the United Nations (such as the *Handbook for Legislation on Violence against Women*) and are intended to provide Member States with a basis upon which to formulate and implement better laws, policies and programmes. Nevertheless, comprehensive implementation of legal and regulatory frameworks and best practice guidelines has not occurred in all jurisdictions. The General Assembly has therefore recognized that initiatives undertaken by Member States to eliminate violence against women must be strengthened in order to ensure that they are systematic and sustained, and cover all groups of women including indigenous women.

[1] The following also contributed to the study, in terms of research and editorial assistance: Permanent Forum member Mirna Cunningham, Camille Webb-Gannon of the University of New South Wales, Rauna Kuokkanen of the University of Toronto and Tove Holmström.

II. Multifaceted nature of violence against indigenous women

4. Article 22 (2) of the United Nations Declaration on the Rights of Indigenous Peoples is important because it is a provision in international law specific to the situation of indigenous women and targets Member States as integral partners in efforts to combat violence and discrimination against indigenous women and children. Scant analysis concerning article 22 (2) has been published. The international expert group meeting organized by the Permanent Forum in 2012 produced the first global report (E/C.19/2012/6) based on elaborating the meaning of article 22 (2). The present study also aims to contribute to a better understanding by explaining the various ways in which indigenous women and girls experience violence. Violence is not only perpetrated within the home or community; it is not only experienced as "traditional" or "customary" violence or even interpersonal violence. It also includes violence by the State and within the private sector. Violence experienced by indigenous women and girls "def[ies] simple categorisation".[2] Additionally, according to Amnesty International, the violence experienced by indigenous women and girls is often compounded by dual discrimination based on race and gender, particularly when they seek to take action to redress the violence.

5. Indigenous women and girls encounter violence in two key domains: within their communities (such violence might be linked to traditions and customs, and may affect the health, sexuality or freedom of movement of women and girls); and outside their home/community environments (such violence may be sexual or otherwise physical, or may be structural and committed by public officials).[3] Indigenous women have contended that violence against women is any act of violence committed against them because of their gender and as a consequence of their historical position within the patriarchal family.[4] In addition, indigenous women have argued that violence against women and girls is a phenomenon that should be analysed in a broader structural context, particularly with regard to the impact of colonization.[4]

6. Several common themes and considerations reoccur in the literature on the causes and correlates of violence against indigenous women, including the following:

(a) Violence against indigenous women and girls is multifaceted in nature and cannot be separated from colonization. This includes the violence inflicted on women and girls during historical processes of colonization, and violence that stems

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[2] Harry Blagg, *Crime, Aboriginality and the Decolonisation of Justice* (Leichhardt, New South Wales, Australia, Federation Press, 2008), p. 139; see also Kyllie Cripps, "Indigenous family violence: pathways forward", in *Working Together: Aboriginal and Torres Strait Islander Mental Health and Wellbeing Principles and Practice*, Nola Purdie, Pat Dudgeon and Roz Walker, eds. (Commonwealth of Australia, 2010), p. 146: " It is widely recognised that the naming and defining of violence as it occurs within families has constituted one of the most extensive, ongoing and controversial issues in the discourse on family violence. ... For people outside such professions and discourses, namely those experiencing the violence first-hand, it is not surprising that they often lack the knowledge, language and communicative resources to interpret and apply the names and definitions created in academic and professional discourses to their own experiences".

[3] Melissa Lucashenko, "Violence against indigenous women: public and private dimensions", in *Women's Encounters with Violence: Australian Experiences*, Sandy Cook and Judith Bessant, eds. (Sage Publications, 2007), p. 147.

[4] Aboriginal and Torres Strait Islander Women's Task Force on Violence, *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* (Queensland State Government, Australia, 2000), p. 31.

from the ongoing impact of colonization including the breakdown of community structures and cultural authority which is a correlate of alcohol and drug-associated violence against indigenous women and girls;[5]

(b) Policies based on racism, exclusion and a development approach that are contrary to the principles of indigenous peoples and fundamental human rights are, in many parts of the world, still in place.[6] Such policies continue to be implemented by the State as well as through multinational corporations that operate on indigenous territories and extract resources from indigenous lands, and have a detrimental impact on indigenous women and girls;

(c) The problem of violence against indigenous women and girls is not only a question of individual human rights but also of the rights of indigenous peoples and general human rights of women and girls. The systematic violation of collective rights of indigenous peoples is a major risk factor for gender violence.

III. Women and the United Nations Declaration on the Rights of Indigenous Peoples

7. The United Nations Declaration on the Rights of Indigenous Peoples specifically mentions indigenous women three times:

- Article 21 (2) calls upon States to pay "particular attention" to the "rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the context of special measures to improve economic and social conditions".
- Article 22 (1) indicates that particular attention should be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of the Declaration.
- Article 22 (2) states that States should take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

8. Both articles 21 (2) and 22 (1) emphasize the rights and special needs of indigenous women and children. Article 22 (2) expresses in mandatory terms that States "shall" take measures, meaning there is a duty upon States to take active measures to ensure full protection and guarantees against all forms of violence and discrimination. The wording "in conjunction with indigenous peoples" reinforces the commitment of Member States through the Declaration to obtain free, prior and informed consent from, and to working in partnership with, indigenous peoples when realizing that goal. Article 22 (2) derives from race/indigenous-specific rights

[5] Aboriginal and Torres Strait Islander Women's Task Force on Violence, *The Aboriginal and Torres Strait Islander Women's Task Force on Violence Report* (Queensland State Government, Australia, 2000); Paul Memmott and others, *Violence in Indigenous Communities*, Crime Prevention Branch of the Commonwealth Attorney-General's Department (Commonwealth of Australia, 2001), p. 12, available from http://www.crimeprevention.gov.au/PublicationsFamilyViolence/Documents/violenceindigenous.pdf; Amnesty International, *Maze of Injustice: The Failure to Protect Indigenous Women from Sexual Violence in the USA* (London, Amnesty International Publications, 2007).

[6] Amnesty International, *Maze of Injustice* (see footnote 5 above).

and protections as recognized by the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and article 6 of the International Labour Organization's Convention No. 169 on indigenous and tribal populations, which establishes the obligation of Governments to consult with indigenous peoples when considering measures that will affect them.

9. Article 22 (2) also draws from public international law pertaining to general human rights such as protection from, and the elimination of, all forms of violence and discrimination. This includes the general prohibitions against violence and discrimination contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Article 22 (2) is similarly supported by general public international law covering women-specific rights and protections against violence and discrimination, and international law with respect to children-specific rights and protections. Such bodies of law include the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and treaty body commentary, including General Recommendation No. 19, on violence against women, of the Committee on the Elimination of Discrimination against Women.

IV. Thematic summaries

10. The following summaries reflect upon many common themes involved in the extensive phenomenon of violence against indigenous women and girls. The aim of the summaries is to provide a general overview of the challenges indigenous women and girls face in responding to violence and to illustrate how endemic violence against indigenous women and girls is in both the private and public domains. The summaries, although not exhaustive, describe different forms of violence against indigenous women and girls: customary and traditional violence; interpersonal and intracultural violence; violence with roots in colonization; sex trafficking; and violence by multinational corporations and the State, including as a consequence of resource exploitation and tourism development. Some of the information included pertains to women and girls in general, within countries having large indigenous populations, rather than to indigenous women and girls specifically in those countries, as data for each often proves difficult to separate. Each type of violence (many types of which overlap) is described, below, followed by several examples of that violence in the international context, an outline of the measures implemented by States and communities to combat such violence and an assessment of the extent of the problem remaining.

Interpersonal violence

11. Instances of physical, emotional and sexual violence against women and girls (usually perpetrated by men) is referred to variously as interpersonal violence, domestic violence and family violence (although these terms have also been used when alluding to other patterns and perpetrators of violence).[7] Viewed from a macro perspective, interpersonal violence against women and girls by men and even between women in some cultures is still cultural (rather than purely individually

[7] Cripps "Indigenous family violence" (see footnote 2 above).

pathological), stemming from a culture of misogyny that is global in its dimensions. Underreporting of such violence is ubiquitous,[8] as is internalized sexism by women.[9] Violence against women and girls is also a serious public health concern in indigenous communities. Domestic and sexual violence is associated with acute and chronic health problems among women and girls and harms their mental health, which may further limit their ability to seek safety and access to services.

Assault

12. An indication of the universality of interpersonal violence against women, particularly indigenous women and girls, can be found in a number of statistics and reports. In 2005, for example, the World Health Organization (WHO) found that 50 per cent of women in the United Republic of Tanzania and 71 per cent of women in Ethiopia's rural areas reported beatings, or other forms of violence, by husbands or other intimate partners.[9] In Kenya, 42 per cent of 612 women surveyed in one district reported having been beaten by a partner.[10] In Uganda, 41 per cent of women reported being beaten or physically harmed by a partner, and in Zimbabwe 32 per cent of 996 women reported having been abused physically since the age of 16.[9] In Tonga, women's complaints of domestic violence have increased; however, for reasons of shame, particularly when the abuser is of higher rank, there is a code of silence around such abuse.[11] Similarly, in New Zealand the true levels of violence against Maori women are not known. Notwithstanding this, nearly 20 per cent of Maori women are reported as being assaulted or threatened by an intimate partner, three times the national average.[12] In many indigenous communities in the Arctic region, the rate of women who experience violence and take refuge in shelters is higher than the national average.[13]

Murder

13. In 2003, the Kenyan Attorney General's office noted that domestic violence accounted for 47 per cent of all homicides.[9] In South Africa, one woman is killed by her husband or boyfriend every six hours.[14] In Zimbabwe, 6 out of 10 murder cases tried in the Harare High Court in 1998 were related to domestic violence.[9] In Australia, violence against indigenous women within indigenous communities has

[8] Fadwa Al-Yaman, Mieke Van Doeland and Michelle Wallis, *Family Violence Among Aboriginal and Torres Strait Islander Peoples* (Australian Institute of Health and Welfare, Canberra, 2006), p. 27; available from www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=6442458606.

[9] Mary Kimani, "Taking on violence against women in Africa: international norms, local activism start to alter laws, attitudes", *Africa Renewal*, vol. 21, No. 2 (2007).

[10] United Nations Children's Fund, *Domestic Violence against Women and Girls*, Innocenti Digest No. 6 (Florence, Italy, Innocenti Research Centre, 2000); available from http://www.unicef-irc.org/publications/213.

[11] Law Commission Te Aka Matua O Te Ture, *Converging Currents: Custom and Human Rights in the Pacific* (Wellington, New Zealand Law Commission, 2006), p. 93.

[12] Ministry of Social Development of New Zealand, 2010: *The Social Report*; section entitled "Safety" available from http://www.socialreport.msd.govt.nz/documents/safety-social-report-2010.pdf.

[13] According to available statistics, young indigenous women in Canada are five times more likely than other Canadian women of the same age to die as the result of violence. See Amnesty International, "No more stolen sisters" (Ottawa, 2009), p. 1; available from http://www.amnesty.org/en/library/info/AMR20/012/2009.

[14] "Clinton's Africa vision is out of focus, say critics", *The Examiner* (2 October 2011); available from http://www.peacewomen.org/news_article.php?id=4136&type=news.

been described as having reached epidemic proportions.[15] According to Australian statistics on domestic violence, as reported in the Australian Domestic and Family Violence Clearinghouse, indigenous women are 45 times more likely to experience family violence than non-indigenous women and far more likely to be killed by their partner than non-indigenous women. The Australian Bureau of Statistics and the Australian Institute of Health and Welfare indicate that assault is a significant cause of death for Australian indigenous women — 9 to 23 times greater than the equivalent age-specific rates for non-indigenous females.

Sexual violence

14. In the Pacific region, violence against women, especially sexual assault, including the rape of women and children, is of serious concern. In Papua New Guinea, there is a high level of violence against women by their husbands and also between co-wives. Non-governmental women's groups working to end violence against women in Papua New Guinea have found that approximately 85 per cent of the cases they tend to are related to polygamy.

15. In the light of such statistics and practices, many measures have been taken to eliminate violence against indigenous women and girls across the world. Various Pacific island nations have implemented legislation on domestic violence and specialized family violence courts, such as outlined in the New Zealand Domestic Violence Act 1995. In Fiji, civil society organizations, such as the Fiji Women's Crisis Centre, women's organizations and other non-governmental organizations provide invaluable assistance in highlighting violence against women in a context where issues concerning women and children have become secondary to issues of national security.

16. In New Zealand, there have been some promising emerging practices in addressing family violence; for example, the Ngati Porou Community Education Project aims at reducing injury by addressing road safety, alcohol- and drug-related harm, family violence and playground safety. The project centres on *tikanga* (customary knowledge) and is located at *marae* (community meeting places). In relation to family violence, *wananga* (education sessions) are held to discuss situations relevant to Maoris. A *hui* (meeting) and a concert were held to raise awareness about the need to prevent violence. The New Zealand Domestic Violence Act 1995 provides programmes for adult protected persons (usually women) and regulates that *tikanga* be included in the programme design and delivery.

17. In Australia, a number of measures have been taken over the decades to combat indigenous violence against women. The most successful and enduring measures are those that are conceived of and developed by indigenous communities, with the support of the State. For example, alcohol management plans or other restrictions on the sale and use of alcohol have been in place in a number of areas for a long period of time.[16] Indigenous family violence prevention legal services have played an important role in combating family violence. Another effort involves groups of volunteers who routinely patrol main streets in order to keep an eye on

[15] Memmott and others, *Violence in Indigenous Communities* (see footnote 5 above).

[16] University of Notre Dame Australia, "Fitzroy Valley alcohol restriction report, December 2010", prepared for the Drug and Alcohol Office, Western Australia.

community members affected by alcohol.[17] According to the 2007 Australian Human Rights Commission report on social justice, shelter/protection programmes are also active. Alternative justice models, community justice groups, education and awareness programmes, such as the Mildura Family Violence and Sexual Assault campaign and the Aboriginal Women against Violence project are also operating in Sydney. There is substantial evidence in Australian literature on the issue to support the principle that indigenous community initiatives to combat violence are more likely to succeed because of the degree of self-determination exercised by such communities over their development and implementation.[18] Evidence also indicates that the involvement of men and the police is critical to that success.

18. Addressing violence in small, relatively isolated indigenous communities can be challenging due to extended family relations and the obligations that arise from such relations. A major problem in combating violence against women and girls in the Arctic region is the lack of services and programmes for victims. Too often, services for victims of crime and violence in the Arctic operate in isolation from each other. A systematic and coordinated approach is lacking. The publication entitled *National Strategy to Prevent Abuse in Inuit Communities and Sharing Knowledge, Sharing Wisdom: Guide to the National Strategy* indicates that in such communities, gaps in services, inequitable distribution of resources, burnout and loss of trained staff, an absence of training and support for front-line workers and incomplete programme evaluations impede efforts to prevent violence. A successful initiative in combating violence, the Nuluaq Project was developed by Pauktituut Inuit Women of Canada and provides a searchable database and network contact list of 400 services and programmes.

19. Although there is existing legislation in many parts of the world to eliminate sexual violence against women, enforcement remains an issue. Evidence to substantiate such violence is often questioned by enforcement agencies and victims can be reluctant to provide evidence.

Private sector violence

20. The activities of corporations have had a negative impact on indigenous traditional ways of life. In indigenous communities where mining activity exists, women and girls are more at risk of violence and health-related problems. In Ecuador's oil fields, cancer constitutes 32 per cent of the deaths, three times more than the national average (12 per cent), affecting mainly women. Seventy-five per cent of the population uses contaminated water, and women are in permanent contact with water because they are washing clothes, going to the river and preparing the local beverage. Indigenous women and girls have an increased workload and they walk more to fetch drinking water and firewood for cooking. In addition, they carry out the agricultural work since the men are integrated into oil industry employment.

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[17] David Higgens and Associates, "Best practice for aboriginal community night patrols and warden schemes: a report to the Office of Aboriginal Development" (Darwin, Australia, Office of Aboriginal Development, 1997), available from http://indigenousjustice.gov.au/db/publications/285968.html.

[18] Monique Keel, "Family violence and sexual assault in indigenous communities, walking the talk", *Australian Institute of Family Studies*, No. 4 (2004) pp. 1-31; see also Memmott and others, *Violence in Indigenous Communities* (footnote 5 above).

21. In the case of pesticides, the effects on the health of women by pollutants include high levels of toxins in breast milk, in the blood of the umbilical cord, and in blood serum and fatty tissue, causing infertility, miscarriages, premature births, early menstruation and menopause, cancers of the reproductive system, decreased lactation and the inability to produce healthy children. All of these conditions affect mothers, families and communities in the context of their relationships and in psychological, emotional and financial terms.

22. In addition, tourist activities have an impact on indigenous women and girls. Tourist resorts cause conflicts because investors put pressure on buying the lands of indigenous peoples. Even entire communities have been evicted. Women have been the most affected by the privatization of indigenous land and the loss of territorial control, for example, along the north coast of Honduras. This has an impact on tourism because the knowledge of indigenous women about local issues is central to the development of cultural and tourist activities.

Public sector violence

23. Public sector violence against women and girls is linked to the practice of private domain or interpersonal violence. Each domain of violence legitimates the other in that the personal is the political and vice versa. Widespread and long-standing patterns of violence against women and girls within personal relationships and homes have resulted in a normalization of sexual and other forms of violence in community life, which, in turn, has led to public acceptance of violence and even to a failure to recognize acts of violence as such. Public sector violence is part of a wider pattern of systemic and culturally condoned or at least accepted violence against women in the public domain, such as discrimination in the workplace or public sexual harassment.[19] Various explanations for the public perpetuation of violence against indigenous women and girls include the geographic isolation of women from solidarity movements or other services, a lack of economic opportunities for women and limited services that could educate victims about their rights and avenues for redressing violence.

24. Public sector violence against indigenous women is prolific. For example, in Australia, the representation of indigenous women in the prison system, often for petty crimes,[20] is hugely disproportionate, and in rural areas indigenous women are not provided with adequate reproductive health services.[21] In Canada, 42.7 per cent of aboriginal women live in poverty, which is double the percentage of non-aboriginal women and significantly more than the number of aboriginal men. In addition, the economic contributions aboriginal women make are often minimized and ignored. The Special Rapporteur on violence against women, its causes and consequences pointed out that in Guatemala there is impunity in cases of violence against indigenous women. The economic situation, the scarce coverage of

[19] See *Gender Matters: a Manual on Gender-Based Violence Affecting Young People* (Budapest, Directorate of Youth and Sport, Council of Europe, 2007), chap. 2, available from http://eycb.coe.int/gendermatters/chapter_2/1.html; see also "Gender aspects in post-conflict situations: a guide for OSCE staff", in *The Public-Private Continuum of Violence* (1997-2000), chap. 2, available from www.osce.org/gender/14333.

[20] See *Women in Prison: A Report by the Anti-Discrimination Commission Queensland* (Brisbane, Australia, 2006), available from http://www.adcq.qld.gov.au/pubs/WIP_report.pdf.

[21] Carole Thomas and Joanne Selfe, "Aboriginal women and the law", available from http://www.aic.gov.au/media_library/publication/proceedings/21/thomas.pdf.

resources and the geographic remoteness limit access to justice. Women are generally monolingual and the staff of relevant institutions are not bilingual.

25. Some Governments have taken measures to counter public violence against women. For example, initiatives were taken by the Government of South Africa in 2003 when it adopted a protocol to the African Charter on Human and Peoples' Rights, by which it committed to end discrimination and violence against women. In adopting the Convention on the Elimination of All Forms of Discrimination against Women, the Government of South Africa has also made a commitment to change discriminatory practices and laws, such as those that relegate women to a secondary status. However, the problem is an endemic and deeply rooted one that requires radical systemic change around the world.

Discrimination and mistreatment in the context of public services

26. Institutional violence is any act of discrimination, exclusion, restriction or impairment, by action, omission or cultural imposition that the institutions of the State perform, breaching their legal statutes, to the detriment of human rights of indigenous women. The first form of institutional violence is the lack of services. Many indigenous women do not have identification documents, a situation that affects their chances of being the beneficiaries of public services, acquiring assets or having access to credit. State programmes also lack intercultural perspective. For example, indigenous women are mistreated in hospitals as a result of using their indigenous languages, traditional dress or medicine, and often staff do not explain the condition and treatment involved.

Customary/traditional/cultural violence

27. "Culture" is often used as a justification for both violence against indigenous women and the argument that misogynous practices are traditional and thus should trump foreign or western human rights standards. In his 2006 study entitled *Ending Violence against Women: from Words to Action*, the Secretary-General stated that violence against women is one of the key means through which male control over women's agency and sexuality is maintained. Because such assumptions become internalized and accepted as "cultural", a great many cases of "traditional" violence often go unreported.

28. Examples of traditional or customary violence against women abound. In China, India and North Africa, sex-selective abortion, or female infanticide, has resulted in the "missing millions" phenomenon — demographics indicate that there should be far more women populating certain countries and regions than there currently are, according to *More Than 100 Million Women Are Missing* by Amartya Sen. In 2006, a study by the South African Institute of Security Studies found that the subservient status of women, particularly rural women, in many African countries was deeply rooted in tradition. Cultural norms such as the right of a husband to beat or physically intimidate his wife relegate women to a subservient position in relation to their husbands and other males. In both eastern and western Africa female genital mutilation is carried out.

29. The perception of women and girls as property of men not only serves to keep women and girls subservient and perpetuates violence by men against women, it has also been linked to the increase of HIV and AIDS in some parts of Africa. Upon the death of the husband, in eastern and southern Africa it is common for the wife and

the husband's property to be inherited by the husband's eldest brother. In Kenya, the wife is forced to marry even if the potential husband is infected with HIV. The spread of HIV is compounded in parts of Ghana, western Kenya and Zimbabwe, where it is believed that a man who is infected with HIV will be cured by having sex with a virgin.

30. As of 2007, only South Africa had enacted relevant and adequate laws to punish violence against women. In Kenya, the sexual violence bill was passed only after certain sections, such as one that would have outlawed marital rape, were removed. In Uganda, similar laws have existed for more than a decade. The United Republic of Tanzania and Zimbabwe have faced similar resistance to fairer legislative measures. However, in Rwanda the legislature passed several progressive laws, including one giving female children the right to inherit their parents' land and property, a right that had been traditionally reserved for males. In Guinea, public education efforts have brought together local non-government organizations and religious leaders with the aim of explaining that Islam does not condone the abuse of women.

Colonization-related violence

31. Decades and even centuries of colonialism and racism have served to perpetuate violence against women and girls in many indigenous communities. Cultures of violence, imposed by systemic racism and the infliction of direct, symbolic and structural violence against indigenous peoples through colonization, are reproduced in countless ways, leading to the implosion and severe dysfunction of many indigenous communities and cultures and subsequent increased rates of violence against women and girls.[22] Internalized racism contributing to poor self- and group-esteem (as well as "acculturative" stress) and a desire not to further marginalize their men or bring shame upon their communities often result in the acceptance by indigenous women of (or a reluctance to speak out against) violence.[23]

32. A variety of programmes have been put into place to combat "family" violence in Australian indigenous communities. Programmes aiming to address "colonization-related" violence include strengthening identity programmes intended to help develop in individuals a greater sense of self-worth and a sense of value to the community so that they become less vulnerable to factors associated with enacting violence.[24] Such programmes develop team-building skills and community values and work on everyday numeracy and literacy skills.

33. According to *Violence in Indigenous Communities*, "[t]he impact of personal, family and community disintegration in many [indigenous] societies, enacted by missions, statutes and regulations, and [government] policies, is still being realised today and should not be underestimated if genuine and workable solutions to prevent violence in indigenous communities are to be developed. What is required is treatment and 'healing' on a massive scale, including the healing of individuals, families and whole communities".

[22] Johan Galtung, "Cultural violence", *Journal of Peace Research*, vol. 27, No. 3 (August 1990).

[23] Cripps, "Indigenous family violence" (see footnote 2 above); Memmott and others, *Violence in Indigenous Communities* (see footnote 5 above).

[24] Memmott and others, *Violence in Indigenous Communities* (see footnote 5 above).

Trafficking in indigenous women and girls

34. Discrimination and poverty are root causes of trafficking in human beings, which is often referred to as modern-day slavery. Indigenous peoples, and especially indigenous women and girls, are affected by this crime to highly disproportionate degrees. Trafficking in human beings is about exploitation and control over another human being, and profiting from his or her vulnerability. Human trafficking takes many forms, including for the purpose of labour and/or sexual exploitation.

35. Human trafficking occurs in all types of economic activity and happens in all parts of the world. It is a largely hidden phenomenon, and therefore difficult to measure. According to the *Global Estimate of Forced Labour*, released in June 2012 by the International Labour Organization (ILO), 29 million people are victims of forced labour and human trafficking at any given time.

36. The *Global Estimate of Forced Labour* indicates that trafficking affects all population groups, but some groups are more vulnerable than others. ILO has confirmed that in all regions of the world, victims of human trafficking are frequently drawn from minority or socially excluded groups. In the *Cost of Coercion*, ILO reports that indigenous peoples, women and youth are particularly vulnerable to forced labour and human trafficking. It also cites long-standing patterns of discrimination and inequality as the root causes for the high number of indigenous peoples trafficked in Latin America. Similarly, in the Central African region, the subjugated position of many forest-dwelling groups puts them at risk of human trafficking.

37. Poverty is a significant root cause of trafficking. According to a World Bank report released in 2010, entitled "Indigenous peoples still among the poorest of the poor", indigenous peoples consistently account for far higher and "stickier" poverty rates than other populations and groups. The study reveals that although indigenous peoples make up roughly 4.5 per cent of the global population, they account for 10 per cent of the world's poor — with nearly 80 per cent of them in Asia. The high poverty rates that indigenous women and girls face make them particularly vulnerable to trafficking. In Canada, the difficult socioeconomic situation of First Nation peoples has been cited as one major reason for the alarming rates of aboriginal women and girls trafficked both within the country and from Canada to the United States.[25]

38. On a global scale, indigenous peoples are facing the increasing threats of land grabbing and the commercial exploitation of their lands and natural resources. The implementation of development projects, such as the construction of dams and highways, logging operations and tourism development, may have devastating impacts on indigenous communities and, to a disproportionate extent, on women and girls in the affected communities. In the Lao Peoples' Democratic Republic, massive infrastructure developments have resulted in the resettlement of many indigenous communities. According to a study conducted by the United Nations Children's Fund, entitled "Broken promises, shattered dreams: a profile of child trafficking in the Lao PDR", such resettlement has had multiple consequences, and heightened vulnerability to trafficking has been identified as one of them. Available

[25] See "Victims of trafficking in persons: perspectives from the Canadian community sector", study commissioned by and prepared for the Department of Justice, Canada, 2006. The executive summary is available from www.justice.gc.ca/eng/pi/rs/rep-rap/2006/rr06_03/p0.html.

numbers from the Lao Peoples' Democratic Republic support not only the notion that indigenous communities are more vulnerable to trafficking but also that the majority of the victims trafficked in the region are girls. The report also indicates that a disproportionate number of the trafficked victims are from ethnic minority backgrounds. The majority of the trafficked victims (60 per cent) are young females between the ages of 12 and 18.

39. In many cases, the trafficker and the victims may be from the same community. In the Arctic, addressing trafficking and violence in small, relatively isolated indigenous communities has proved to be very challenging, owing to extended family relations and the obligations that arise from those relations. In some communities, there is a heavy emphasis on maintaining good relations within and between extended families, sometimes at the cost of individual well-being. Talking about abuse and violence, in particular sexual violence, is considered taboo. In making violence against indigenous women and girls, including human trafficking, visible, all measures fighting this crime need to be victim oriented, gender sensitive and implemented in cooperation with indigenous women.

V. Conclusions

40. Violence against indigenous women and girls is endemic in every part of the world. It occurs in the private domain within homes, families and communities and in the public domain perpetrated by the State and by corporations.

41. The reasons for community and interpersonal violence in indigenous communities are multifaceted, often exacerbated by alcohol and drug abuse, which can be part of a devastating response to colonization violence. However, caution must be adopted when viewing violence against indigenous women and girls through a "causation" lens; issues of colonization or alcohol and drugs must be seen as situational or precipitative factors and should not be invoked to absolve perpetrators of interpersonal and intracultural violence against indigenous women and girls.

42. The United Nations Declaration contains specific articles aimed at redressing violence against indigenous women and children. However, although many Member States have sought to implement some measures to combat this violence, there is still a long way to go towards its eradication.

43. The evidence is clear that where an indigenous community exercises a degree of ownership over the conception and establishment of measures to address violence, those measures are more likely to be effective and successful. Furthermore a partnership approach between indigenous communities and the State is more likely to be successful in tackling violence in those communities than a solely State-devised programme.

VI. Recommendations

44. It is recommended that:

(a) Member States increase funding for community-led violence prevention initiatives; the recruitment and training of indigenous service providers and front-

line workers; shelters; and culturally appropriate crisis and counselling services in indigenous languages;

(b) States work with indigenous communities to design education and public awareness campaigns specific to those communities and to allocate sufficient funds for this work in accordance with article 22 (2) of the Declaration;

(c) All actors who work to improve the coordination of abuse prevention services and resources, increase their cooperation and jointly coordinate services and programmes for victims of violence and abuse;

(d) In order to empower victims of trafficking, States and the United Nations system need to factor into their assistance programmes the language and cultural backgrounds of indigenous women and girls, make concerted efforts to prevent discrimination based on ethnicity and pay particular attention to restoring and building the victim's self-esteem;

(e) The United Nations system, programmes and funds that focus on combating the trafficking of human beings pay particular attention to support the identities of the victim, including their identities as indigenous peoples.